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Flavio Valerio Marin Hernandez
Cerrada 8 #2241-27
Residencial Patria
45150
ZAPOPAN, JALISCO, MEXICO

In re Application of
HERNANDEZ
Serial No.: 10/506,800
PCT No.: PCT/MX02/00020
Int. Filing Date: 13 March 2002
Priority Date: None
Atty. Docket No.: None
For: INFLATABLE TOY AND PRODUCTION
METHOD THEREOF

DECISION

This is in response to applicant's communication requesting withdrawal of the holding of abandonment in the above reference application. The communication was filed in the United States Patent and Trademark Office, PCT Legal Office, via facsimile on 05 May 2005.

On 07 September 2004, within the thirty month deadline for filing a national stage application, applicant filed a transmittal requesting entry into national stage under 35 U.S.C. 371 and a declaration signed by the inventor. The basic national fee, a requirement under 35 U.S.C. 371(c), was submitted in the form of a bank check in the amount of \$585 U.S. dollars. The amount of the check, however, was written in the Spanish language.

On 02 March 2005, a Notification of Abandonment was mailed to applicant indicating that applicant had not fulfilled all the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) because applicant failed to provide the basic national fee by 30 months.

In the communication received on 05 May 2005, applicant alleges that he filed a check for \$585 for the basic national fee. Applicant included, *inter alia*, a photocopy of the bank receipt (in the Spanish language) for the purchase of the cashier's check for the amount of \$585 in U.S. dollars.

DISCUSSION

A review of the application file reveals that the request for entry into the U.S. national stage was filed on 07 September 2004. Applicant submitted a bank check in the amount of \$585 for payment of the basic national fee. The amount of the check was written in the Spanish language and created some confusion. The check was submitted to the USPTO bank handling U.S. funds only; it should have been deposited with the USPTO bank handling international funds. Upon inquiry from applicant in May 2005, the Office of Finance returned the original bank check to applicant.

In his communication filed on 05 May 2005, applicant requests that the holding of abandonment be withdrawn since he paid the basic national fee with his request for entry into the U.S. national stage.

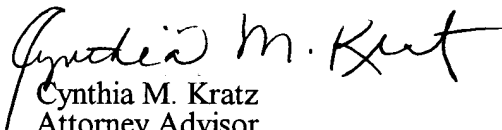
In light of the above stated circumstances, the holding of abandonment will be vacated upon payment of the basic national fee, in compliance with 35 U.S.C. 371(c). Applicant is advised to submit payment in the amount of \$585 (U.S. dollars), and if possible, in the English language.¹

CONCLUSION

For the reasons stated above, the request to withdraw the holding of abandonment is held in abeyance to await applicant's response to this decision.

The proper reply is the submission of the basic national fee of \$585 paid in U.S. dollars.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286

¹ Method of payment 37 CFR 1.23(a) All payments of money required for United States Patent and Trademark Office fees, including fees for the processing of international applications (§ 1.445), shall be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, national bank notes, or United States Postal Service money order. If sent in any other form, the Office may delay or cancel the credit until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the Commissioner of Patents and Trademarks will continue to be accepted.) *Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required.* Money sent to the Office by mail will be at the risk of the sender, and letters containing money should be registered with the United States Postal Service.
(b) Payments of money required for United States Patent and Trademark Office fees may also be made by credit card, except for replenishing a deposit account. Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization to charge fees to a credit card. If credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge.